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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,989	07/11/2005	Annick Simonne Irene Ermens	NL 030056	7995

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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LE, HUYEN D

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/541,989

Applicant(s)

ERMENS, ANNICK SIMONNE  
IRENE

Examiner

HUYEN D. LE

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 17-21 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 17-21 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims 1-8 direct to a loudspeaker comprising a housing, a diaphragm and actuator for displacing the diaphragm with respect to the housing along a translation axis. The newly submitted claims 17-21 directs to a housing that comprises a forepart, a base part, and an intermediate part between the forepart and the base part.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-21 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 5, 9-11 and 13-14 (5 and 14 as broadly claimed), are rejected under 35 U.S.C. 102(b) as being anticipated by Etzel (EP 510345).

Regarding claim 1, Etzel teaches a loudspeaker that includes a housing (12) with a front side and a rear side (figures 1-2), a diaphragm (13) and an actuator (11) as claimed. Etzel further

Art Unit: 2615

shows the housing (12) that extends around an axis and is provided with a conical forepart widening towards the front side, a base part extending towards the rear side, and an intermediate housing part including the transition areas as claimed (20, 21, figures 1-2).

The transitional areas (20, 21) behave as hinges under the influence of an axial load (see the abstract), and the intermediate housing part turns toward the translation axis and the forepart turns toward the rear side under the influence of the load when the speaker or the magnet system moves back and forth under the force P acting on the magnet system (also see figures 1-2).

Regarding claims 2 and 11, as broadly claimed, the intermediate housing part at the bending joint (20) between the forepart and the rear part has a substantially cylindrical shape (figure 2).

Regarding claims 4 and 13, as broadly claimed, the transitional areas (21) are weaker the other portions of the housing (figure 1).

Regarding claims 5 and 14, as broadly claimed, it appears that the forepart (19) of the housing (12) has angle of inclination as claimed (figures 1, 2).

Regarding claims 9-10, Etzel teaches a housing (12) with a forepart widening towards a front side, a base part extending towards a rear side, and an intermediate part that is connected to the forepart and the base part by the transition areas (20, 21, figures 1-2). Etzel further teaches a diaphragm (13) and an actuator (11) as claimed.

The transitional areas (20, 21) behave as hinges under a load (see the abstract), and the intermediate part turns toward a central axis of the loudspeaker extending between the forepart and the base part, and the forepart turns towards the base part when the speaker system or the

Art Unit: 2615

magnet system moves back and forth under the force P acting on the magnet system (also see figures 1-2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etzel (EP 510345).

Regarding claims 5 and 14, as interpreted in a different manner, Etzel does not specifically disclose the angle inclination of the forepart of the housing as claimed. However, Etzel does estimate an angle inclination of the forepart of the housing relative to the axis of the speaker housing.

Therefore, it would have been obvious to one skilled in the art to provide any range for the angle inclination such as an angle of at least 30 degrees for better connecting with the predetermined rupture or bending joint of the forepart the Etzel speaker housing.

Regarding claims 6-7 and 15-16, Etzel shows the intermediate part housing (20, 21) that has a length dimension and a thickness dimension. However, Etzel does not specifically disclose the length dimension and thickness dimension as claimed in claims 6-7.

However, Etzel does not restrict to any range for the dimensions of the intermediate part housing; it therefore would have been obvious to one skilled in the art to provide any range for

Art Unit: 2615

the dimensions of the intermediate part housing of Etzel such as the length dimension of at least 3mm and the thickness of 0.5 mm for better providing a predetermined rupture or bending joint in the speaker housing.

***Allowable Subject Matter***

6. Claims 3 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 9/18/06 have been fully considered but they are not persuasive.

Responding to the arguments about the transitional areas and the intermediate housing portion of Etzel, the examiner has explained in detail in the Office Action. Further, the Applicant should note that the transition areas of the intermediate housing portion (20, 21) of Etzel behave as a hinge under the influence of a load (see the abstract). The intermediate housing portion (20, 21) turns toward and away the axis of the speaker under the force P acting on the magnet system (figures 1-2).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2615

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL  
November 20, 2006



HUYEN LE  
PRIMARY EXAMINER